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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,252	03/29/2004	John W. Rohrer		2743

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,252	<b>Applicant(s)</b> ROHRER, JOHN W.	
	<b>Examiner</b> Stephen L. Blau	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Type of Putter Head

- a. Species 1 (Figures 1-3):
- b. Species 2 (Figures 4-6):
- c. Species 3 (Figure 7):

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently it is uncertain what claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. John W. Rohrer on 5 April 2005 a provisional election was made without traverse to prosecute the invention of species 2, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Specification***

3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers for the specification and abstract with lines double spaced on good quality paper are required.

***Claim Objections***

4. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

***Information Disclosure Statement***

5. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hosel extending rearward for claims 1 and 4-5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite in that the term "may" in line 11

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is indefinite. It is uncertain whether the function "may" refers to is required or not. In addition, the statement "said hosel may also extend rearward" is not understood. How can a hosel extend forward and rearward. In claims 4-5 the term "hosel extensions" is indefinite. If there is one hosel than how can there be a plurality of extensions? Claim 8 is indefinite in that there is improper antecedent basis for the term "said rearward sight line extension" in that this structure has not been previously disclosed.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola.

Gebhardt discloses a hosel extend generally horizontally forward from a location above a face (Figs. 11, 12) located more than approximately 1 ball diameter or more above a soleplane (Figs. 11,-12, Implied otherwise the putter would not work) in a vertical plane normal to a face (Fig. 9) before connecting a shaft to a player side of a hosel (Fig. 9), top surface markings serve as an unobstructed sight or aim line toward an intended target, such that the hosel extension does not substantially reduce a

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golfer's view of a ball (Fig. 9) while increasing the static balance moment of a putter head in for of the head being symmetrical other than the hosel (Figs. 8-14).

Gebhardt lacks a hosel extend generally horizontally forward  $\frac{1}{2}$  ball diameter from a location above a face and located more than approximately 1 ball diameter or more above a soleplane. Szokola discloses a hosel extend generally horizontally forward  $\frac{1}{2}$  ball diameter from a location above a face and located more than approximately 1 ball diameter or more above a soleplane in order to provide an efficient transfer of swing energy to a golf ball and minimize any tendency to open or close a club face with respect to a ball during a swing (Col. 2, Lns. 14-18). In view of the patent of Szokola it would have been obvious to modify the head of Gebhardt to have a hosel extend generally horizontally forward  $\frac{1}{4}$  to 1 ball from a location above a face and located more than approximately 1 ball diameter or more above a soleplane in order to provide an efficient transfer of swing energy to a golf ball and minimize any tendency to open or close a club face with respect to a ball during a swing.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola as applied to claims 1-2 above, and further in view of Meyer.

Gebhardt lacks a shaft axis intersecting a vertical center line plane normal to a strike face at approximately the same elevation as a head center of gravity. Meyer discloses a forward extending hosel normal to a face having a shaft axis intersecting a vertical center line plane normal to a strike face at approximately the same elevation as a head center of gravity (Col. 3, Lns. 4-16) in order to face balance a putter (Abstract).



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In view of the patent of Meyer it would have been obvious to modify the head of Gebhardt to have a shaft axis intersecting a vertical center line plane normal to a strike face at approximately the same elevation as a head center of gravity in order to face balance a putter.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola as applied to claims 1-2 above, and further in view of Pollman.

Gebhardt lacks an aim line of .05 to .5 inch width.

Pollman discloses an aim line of .12 inch [0036]. In view of the publication of Pollman it would have been obvious to modify the head of Gebhardt to have an aim line of .05 to .5 inch width in order to ensure a golfer can see the aim line.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola and Pollman as applied to claim 4 above, and further in view of Klein.

Gebhardt lacks an aim line having a dark finish and the remaining portion of a hosel extension and that portion of any normal hosel extension above a golf ball has a light finish. Klein discloses an aim line having a dark finish and top surface surround the aim line having a light finish to assist the player in aligning a head (Col. 2, Lns. 44-60). In view of the patent of Klein it would have been obvious to modify the head of Gebhardt to have an aim line having a dark finish and the remaining portion of a hosel extension and that portion of any normal hosel extension above a golf ball has a light finish in order to assist the player in aligning a head.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola, Pollman, and Klein as applied to claim 5 above, and further in view of Radakovich.

Gebhardt lacks at least the bottom portion of a shaft connecting to a hosel extension being finished with a dark color. Radakovich discloses a golf club shaft being black (Col. 5, Lns. 40-45). In view of the patent of Radakovich it would have been obvious to modify the shaft of Gebhardt to be the color of black in order to utilize a known color for shafts used in the market place.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola as applied to claims 1-2 above, and further in view of Byrne.

Gebhardt lacks a golf ball marked with a dark line of a width approximately the width of a hosel aim line along a portion of a ball's circumference which is able to be in line with a golfer's aim at a target.

Byrne discloses a golf ball marked with a dark line of a width approximately the width of an aim line on a head along a portion of a ball's circumference which is able to be in line with a golfer's aim at a target (Fig. 1) for more accurate putting (Abstract). In view of the patent of Byrne it would have been obvious to include with the putter of Gebhardt a golf ball marked with a dark line of a width approximately the width of an aim line on a head along a portion of a ball's circumference in order to practice with and become more accurate in putting.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt in view of Szokola as applied to claims 1-2 above, and further in view of Sasse.

Gebhardt lacks a rearward sight line extension of a thin section material. Sasse discloses a sighting line forward and aft of thin material (Fig. 1). In view of the patent of Sasse it would have been obvious to have a rearward sight line extension for a head in order to give a golfer more alignment line to use in putting.

### ***Amendments***

16. The instructions has to how respond and amend your application may be found in article 714 of the Manual of Patenting Examining Procedures (MPEP) found at the website (<http://www.uspto.gov/web/offices/pac/mpep/index.html>). If the applicant wants the date to count when the response is placed in the mail a certificate of mailing must be made in accordance with chapter 512 of the MPEP. A Certificate of Mailing form can be found by going to PTO/SB/92 at <http://www.uspto.gov/web/forms/index.html>.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stone, Miller, Sprinkel, Doran, and Blaine disclose aim line extensions. Sneed and Solheim disclose hosel extensions.

**Conclusion**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 5 April 2005

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**